

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ONE STOCKDUQ HOLDINGS, LLC,)
Plaintiff,)
v.) No. 2:12-cv-03037-JPM-tmp
BECTON, DICKINSON AND COMPANY,) JURY TRIAL DEMANDED
Defendant.)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4.5, Plaintiff One StockDuq Holdings, LLC (“One-SD”) and Defendant Becton, Dickinson and Company (“BD”) provide their Joint Claim Construction and Prehearing Statement.

(a) The construction of those terms on which the parties agree

The parties do not agree on the construction of any terms of the patent-in-suit.

(b) Proposed constructions and supporting evidence of the parties

Attached are charts of the parties' proposed construction of each disputed term, together with an identification of all references from the intrinsic evidence that supports that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of all witnesses including experts. One-SD's proposed constructions and supporting evidence are attached as Exhibit A. BD's proposed constructions and supporting evidence are attached as Exhibit B.

(c) Dispositive terms

Attached are charts identifying the terms that each party contends (i) would require a disposition of the case in its favor and/or (ii) will be substantially conducive to promoting settlement, as well as a brief statement by each party supporting or refuting the contention that the construction of those terms will be dispositive or promote settlement. One-SD's chart and statement is attached as Exhibit C. BD's chart and statement is attached as Exhibit D.

(d) Anticipated length of hearing

The parties anticipate the length of time necessary for the Claim Construction Hearing to be four hours.

(e) Witnesses

The parties will not call any witnesses at the hearing.

(f) Other issues

BD's Statement:

On October 4, 2013, BD filed a Renewed Motion to Stay Litigation Pending *Inter Partes* Review. (Dkt. No. 74) BD thinks that because the PTO will construe the asserted claims of the patent-at-issue in this case and determine their validity, this case should be stayed and a claim construction hearing should be postponed until the PTO has completed its proceedings.

One-SD's Statement:

On October 21, 2013, One-SD filed its Response in Opposition to BD's Renewed Motion to Stay Litigation Pending *Inter Partes* Review. One-SD thinks that this Court is the best venue to resolve the entire dispute between the parties and that there is no need to postpone the claim construction hearing because the claim construction issues have been fully briefed.

Dated: October 21, 2013

s/William C. Ferrell, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2013, a copy of the foregoing was filed upon the following counsel of record via the Court's electronic filing system.

s/William C. Ferrell, Jr._____

Counsel for Plaintiff